

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 10

Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated March 8, 2006. The period for response is extended to July 10, 2006 via the enclosed petition and fee for a one month extension of time.

Claims 1-28 are pending in the application. Claims 1, 4, 5, 12 and 20 have been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

CLAIM REJECTIONS

Claims 1-7, 9, 12-14, 16, 17, 20-22 and 24-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,199,014, in view of Kepler, U.S. Patent No. 6,477,460. Claims 8, 10, 11, 15, 18, 19, 23, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. in view of Kepler, and further in view of DeLine et al., U.S. Patent No. 6,420,975.

Applicants respectfully traverse the rejections under 35 U.S.C. §103(a) for the reasons set forth below.

Applicants have amended independent claim 1 to clarify that the user input comprises a destination address. The vehicle-based global positioning system determines the initial geographic location of the vehicle and the telematics system determines a destination geographic location corresponding to the destination address. The remote service provider determines a determined route between the initial geographic location and the destination geographic location. The navigation system further comprises a vehicle-based control, and the telematics system is operable to download the directional information from the remote service

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 11

provider to the vehicle-based control via the vehicle-based telematics system. The downloaded directional information comprises at least two instructions on the determined route between the initial geographic location and the destination geographic location. Each of the at least two instructions is coded or associated with or linked to a respective waypoint geographic location determined by the remote service provider to be on the determined route. The vehicle-based control is operable to generate an information display visible to a driver of the vehicle, and the information display corresponds to respective ones of the at least two instructions of the downloaded directional information. The vehicle-based control is operable to automatically generate a change in information displayed in response to the current actual geographic location of the vehicle being inconsistent with the determined route between the initial geographic location and the destination geographic location. The vehicle-based control automatically generates the change in information displayed without further communication with the remote service provider and without a further user input. Independent claims 12 and 20 have been amended in a similar manner. Dependent claims 4 and 5 have been amended to correspond to the language of independent claim 1 as clarified.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach or suggest all the claimed limitations. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See MPEP § 2143.

"It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 12

choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fritch*, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992), quoting *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). "We additionally note that a rejection based on Section 103 must rest on a factual basis, with the facts being interpreted without hindsight reconstruction of the invention from the prior art. In making this evaluation, the examiner has the initial duty of supplying the factual basis for the rejection he advances. He may not, because he doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis." *Ex parte Haymond*, 41 U.S.P.Q.2d 1217, 1220 (BPAI 1996).

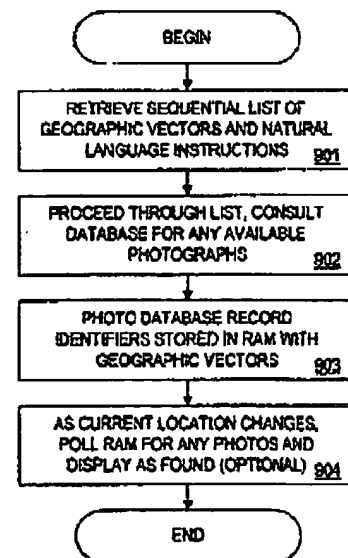
Applicants submit that the combination of Walker et al. and Kepler does not disclose, teach, suggest or render obvious the navigation system and method of the present invention, particularly as set forth in independent claim 1 and the claims depending therefrom. Walker et al. discloses a system for providing driving directions that provides photographs of locations along a route to be traveled by the vehicle. Applicants submit that there is no disclosure or suggestion in Walker et al. of the navigation system and method of the present invention. For example, Walker et al. does not disclose or suggest automatically generating a change in information displayed in response to the current actual geographic location of the vehicle being inconsistent with a determined route between the initial geographic location and the destination geographic location, in combination with the other elements of independent claim 1. Nor does Walker et al. disclose or suggest, for example, automatically generating such a change in information displayed without further communication with a remote service provider and without a further user input.

The Office Action, at page 6, asserts that Walker et al. discloses a system that is operable to generate a change in information displayed in response to the current actual geographic location of the vehicle being inconsistent with the determined route between the initial geographic location and the destination geographic location, and specifically states that "Figure 9 (item 904) provided the condition when the current location changes, thus when the

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 13

route changes, to provide different instructions with appropriate photographs." However, Applicants again respectfully submit that a change in current location does not mean that the route changes. The change in vehicle location referenced in the Office Action with respect to Walker et al. is a change in vehicle location *along* the route, such that the route does not change, but the vehicle merely is traveling along the pre-determined route. For example, Walker et al. discloses that the controller may "generate the navigational instructions and retrieve the appropriate photographs on an as-needed basis *while the route is being followed*" (see column 9, lines 15-18 of Walker et al., emphasis added). Walker et al. also discloses that the controller provides instructions that "include not only directions in text form, but also photographic representations of the locations *along the route to be followed*." (See column 5, lines 31-33 of Walker et al., emphasis added).

The Office Action refers to Figure 9 (reproduced below) for support of the assertion that Walker et al. discloses changing the information displayed in response to the current location of the vehicle being inconsistent with the determined route. Particularly, the Office Action (at page 3) states that "as the current location changes, different photographic representations are retrieved and outputted to the user (figure 9)." However, Walker et al. describes step 904 of Figure 9 as "Optionally (step 904), if the navigational instructions are provided *as the route is actually traveled*, the CPU 201 may receive updates of the location information from the interface unit 102 (which may be automatically provided by GPS receiver 104)" (see column 7, lines 38-42 of Walker et al., emphasis added). Again, Walker et al. discloses changes in vehicle location *along* the determined route, but there is no discussion or suggestion in Walker et al. of a change in vehicle location that is *inconsistent with* the determined route (i.e., not along the



Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 14

determined route) and, moreover, there is no discussion or suggestion in Walker et al. of what may happen if the vehicle location is inconsistent with the determined route.

Moreover, Walker et al. teaches away from the claimed invention by disclosing that route instructions and photographic representations are transmitted from the central controller to the interface unit of the vehicle and that the instructions and photographs are matched to points along the route. "The CPU builds a sequential list of geographic vectors to be used in following the route, and stores this list in RAM 203" (column 7, lines 19-21 of Walker et al.). Walker et al. thus discloses the use of data points along the route. Applicants submit that there is no disclosure or suggestion in Walker et al. of transmitting data that is not along the route; nor is there any disclosure or suggestion in Walker et al. of using geographic vectors or instructions or photographs of locations that are not along the route.

Applicants respectfully submit that Walker et al. does not disclose or suggest automatically generating a change in information displayed in response to the current actual geographic location of the vehicle being inconsistent with the determined route between the initial geographic location and the destination geographic location, and further does not disclose or suggest automatically generating such a change in information displayed without further communication with the remote service provider and without a further user input. Further, Walker et al. does not disclose or suggest providing an information display that is viewable by the driver of the vehicle at or near an interior rearview mirror of the vehicle, such as claimed in the present application. Thus, Applicants submit that Walker et al. does not disclose the claimed invention of independent claim 1 and the claims depending therefrom.

Likewise, Applicants submit that Kepler does not, for example, disclose, teach or suggest the claimed invention of independent claim 1. For example, Kepler does not disclose or suggest automatically providing a change in information displayed when the current actual geographic location of the vehicle is inconsistent with a determined route between the initial

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 15

geographic location and the destination geographic location, nor does Kepler disclose or suggest automatically providing such a change in information displayed without further communication with the remote service provider and without a further user input. To the contrary, Kepler discloses a system that provides turn-by-turn travel directions along a travel route and that selects points *along the route* to provide additional information (see column 5, lines 24-36 of Kepler, emphasis added). Applicants respectfully submit that there is no disclosure or suggestion in Kepler of automatically changing the information display when the vehicle location is inconsistent with a determined route between the initial geographic location and the destination geographic location, and automatically generating such a change without further communication with a remote service provider and without a further user input, in combination with the other elements of independent claim 1. Further, Kepler does not disclose or suggest providing an information display that is viewable by the driver of the vehicle at or near an interior rearview mirror of the vehicle, such as claimed in the present application. Thus, the combination of Walker et al. and Kepler does not disclose, teach or suggest the claimed invention of independent claim 1 and the claims depending therefrom. Reconsideration and withdrawal of the rejection of claims 1-7 and 9 is respectfully requested.

With respect to the rejection of independent claims 12 and 20 and the claims depending therefrom, Applicants submit that the combination of Walker et al. and Kepler does not disclose, teach, suggest or render obvious these claims for at least all of the reasons set forth above. For example, neither Walker et al. nor Kepler disclose or suggest automatically changing the information display when the vehicle location is inconsistent with intermediate geographic locations on the route between the initial geographic location and the destination geographic location, and automatically generating such a change without further communication with a remote service provider and without a further user input, in combination with the other elements of independent claims 12 and 20. Reconsideration and withdrawal of the rejection of claims 12-14, 16, 17, 20-22 and 24-26 is respectfully requested.

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 16

With respect to the rejection of dependent claims 8, 10, 11, 15, 18, 19, 23, 27 and 28, Applicants submit that the combination of Walker et al., Kepler and DeLine et al. does not disclose, teach, suggest or render obvious the claimed inventions of the dependent claims for at least the reasons set forth above. With particular reference to the rejection of dependent claims 10, 11, 18, 19, 27 and 28, Applicants submit that DeLine et al. does not disclose or suggest a seat adjustment system that adjusts a vehicle seat in response to a vehicle-based telematics system and/or a vehicle-based global positioning system and/or biometric data. To the contrary, DeLine et al. discloses a seat occupancy detector (column 23, line 25 of DeLine et al.) and discloses that an audio vehicle signal processor can be a voice activated controller for a seat position and seat configuration controller (column 43, lines 45-50 of DeLine et al.). Applicants submit that DeLine et al. does not disclose or suggest the claimed invention. For example, nowhere in DeLine et al. is there a disclosure or suggestion of a seat adjustment system that is operable to adjust a seat of the vehicle in response to data received via at least one of a vehicle-based telematics system and a vehicle-based global positioning system, such as set forth in dependent claims 10, 18 and 27. Nor is there any disclosure or suggestion in DeLine et al. of such a seat adjustment system being operable in response to biometric data pertaining to the occupant of the seat of the vehicle, such as set forth in dependent claims 11, 19 and 28.

Moreover, Applicants respectfully submit that there is no suggestion or motivation in Walker et al., Kepler or DeLine et al. to combine any seat control (such as a voice activated seat control as disclosed in DeLine et al.) with a navigation system, and even if such a combination were improperly made, there is no disclosure or suggestion in DeLine et al. of how the seat control of DeLine et al. would be operable in response to at least one of a vehicle-based telematics system and a vehicle-based global positioning system, as set forth in dependent claims 10, 11, 18, 19, 27 and 28. The teaching or suggestion to make the claim combination and reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). See MPEP § 2143. Therefore, Applicants respectfully submit that the combination of Walker et al.,

Applicants : David W. Taylor et al.
Serial No. : 10/645,762
Page : 17

Kepler and DeLine et al. does not disclose, teach, suggest or render obvious the claimed invention of dependent claims 10, 11, 18, 19, 27 and 28. Reconsideration and withdrawal of the rejection of dependent claims 8, 10, 11, 15, 18, 19, 23, 27 and 28 is respectfully requested.

Accordingly, Applicants respectfully submit that the combination of Walker et al. and Kepler, either alone or in combination with DeLine et al. or with any other prior art of record, does not disclose, teach, suggest or render obvious the navigation system and method of the present invention, particularly as set forth in independent claims 1, 12 and 20 and in the claims depending therefrom. Reconsideration and withdrawal of the rejections of claims 1-28 is respectfully requested.


Claims 1-28 remain pending in the application. Applicants respectfully submit that claims 1-28 are in condition for allowance and a notice to that effect is earnestly and respectfully requested. If the Examiner does not find the claims to be in condition for allowance, the Examiner is invited to call the undersigned to discuss this matter further.

Respectfully submitted,

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By: Van Dyke, Gardner, Linn & Burkhart, LLP

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